IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Crl.MC.No. 3269 of 2006()

AGAINST THE ORDER IN CMP.1198/2005 IN
MC.222/2003 of THE FAMILY COURT OF KANNUR

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PETITIONER: RESPONDENT:

PRAVEEN KUMAR, S/O. GOVINDAN,
MURINGOLIL HOUSE, KOOVERI AMSOM,
PADAPPANGAD DESOM, MUKKUNNU.

BY ADV. SRI.C.A.JOSEPH

RESPONDENTS: STATE & 1ST PETITIONER:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SARITHA T.P., W/O.PRAVEENKUMAR,
THEKKEPURAYIL HOUSE, BEKKALAM,
MORAZHA, KANNUR.

BY ADV. SRI.P.M.PAREETH
PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3269 OF 2006

Dated this the 11th day of December, 2006.

ORDER

The petitioner had suffered an order under Section 125 Cr.P.C directing him to pay maintenance at the rate of Rs.750/-, Rs.400/- and Rs.400/- per mensem respectively to the claimants- his wife and two minor children. The petitioner did not make the payment and consequently for the period from 08.04.2003 to 07.09.2005, there was default in making the payment. The petitioner has now been sentenced to undergo imprisonment for such failure to pay the amount. He is now said to be in custody.

2. When this petition came up for hearing, the learned counsel for the petitioner offers to pay an amount of Rs.15,000/- (Rupees Fifteen thousand only) immediately and the balance amount (of about Rs.30,000/-) in three instalments, within the next 3 months. He also undertakes to pay the future instalments due promptly. The learned counsel for the respondent does not raise any serious objections provided this offer for payment is complied with strictly. Having considered all the relevant circumstances, I am satisfied that the interests of the claimants will also be served ideally by enabling the petitioner to

secure release from custody and by giving him an opportunity to pay the amount. I accept the request of the learned counsel for the petitioner as it is made, but with the specific observation that if there be any default in making the payment, the petitioner shall be sent back to the prison to serve the unexpired portion of the sentence.

3. This Crl.M.C is, in these circumstances, allowed in part. The petitioner shall be released from custody forthwith on condition that

i) The petitioner deposits an amount of Rs.15,000/- (Rupees Fifteen Thousand only) forthwith;

ii) He deposits the further amount of Rs.30,000/- (Rupees Thirty thousand only) in three equal monthly instalments from the date of his actual release from custody.

4. Issue copy forthwith to the learned counsel for the petitioner.

R.BASANT
JUDGE

rtr/